

41850
OEA

SERVICE DATE – September 16, 2011

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB-55 (Sub-No. 717X)

**CSX Transportation, Inc., —Abandonment Exemption—
in Miami-Dade County, Fla.**

BACKGROUND

On August 22, 2011, CSX Transportation, Inc. (CSX), filed a petition under 49 U.S.C. § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 for CSX to abandon 0.95 miles of rail line on its Southern Region, Jacksonville Subdivision. The 0.95 miles of rail line proposed for abandonment would extend from milepost SX 1036.8 to milepost SX 1037.5 (at the end of the track). The proposed abandonment would also include approximately 1,300 feet of connecting track beginning 150 feet from the point of switch near milepost SXH 37.0. The entire 0.95 miles of track are located in Miami-Dade County, FL (Line). A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

According to CSX, in 1988 it sold the Line's right-of-way, track, and materials to the Florida Department of Transportation (FDOT) but retained a permanent freight easement allowing it to continue to provide exclusive rail freight service over the Line. CSX and FDOT entered into the sale and permanent freight easement under terms set forth in an Operating Management Agreement (Agreement). The Agreement allowed FDOT to improve its commuter Tri-Rail system. According to CSX, there has been no freight rail customers using the Line in more than 2 years and any overhead traffic on the Line has been rerouted several years ago. The Line is currently being used by FDOT for passenger rail, and should this abandonment be granted, the passage service on the Line would be enhanced.

If the Board should approve the abandonment, CSX's permanent freight easement would be extinguished and CSX would no longer hold a common carrier authority to offer freight service over the Line. But CSX has explained that FDOT—as the owners of the track and track materials—would be responsible to conduct the salvage activities planned to occur. FDOT would remove 2 signals and portions of track located at northwest 25th Street south to the end of the main track and deactivate signals south of the north leg of the wye from the Miami Subdivision to the Homestead Branch. Signal work would consist of removing 2 wayside signals and foundations at 25th Street, removing signal housing, crossing gates and foundations and 2 dwarf signals¹ at the end of the Line. After FDOT has removed the unused signals and

¹ A dwarf signal is a signal that is shorter or smaller than standard-sized signals.

track, it would then proceed with the construction of the East Concourse project as part of the last phase of the Miami Intermodal Center (MIC).

The construction and operation of the MIC have been extensively studied in a multi-year Environmental Impact Statement by the Federal Highway Administration and FDOT working in cooperation with several other agencies. The Environmental Impact Statement studied in detail the potential environmental effects of the MIC on air and water quality; historic and biological resources, including threatened and endangered species, and noise. In the late 1990's, the Federal Highway Administration signed a Record of Decision approving the Environmental Impact Statement. Construction of the MIC is currently on going.

DESCRIPTION OF THE RAIL LINE

The area in which the Line is located is urban. The width of the right-of-way varies from between 11 to 57 feet. The Line contains no structures that are 50 years old or older and also does not contain any federally granted rights-of-way. As stated above, if the Board should approve this abandonment, CSX would coordinate with FDOT, but FDOT would conduct the salvage. Because the Board has licensing authority over CSX, any environmental mitigation measures recommended in this EA would be imposed on CSX and CSX would be required to ensure that FDOT conducts salvage in a manner consistent with the mitigation measures.

ENVIRONMENTAL REVIEW

CSX submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSX served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, there has been no rail traffic over the Line in more than 2 years and all overhead rail traffic has been rerouted. Therefore, there would be no impact on existing regional or local transportation systems or patterns. CSX also notes that because no rail traffic has moved over the Line in more than 2 years that there would be effect on the movement and/or recovery of energy resources, recyclable commodities, or change in overall energy efficiency.

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 717X).

Salvage Activities

As stated above, CSX sold the Line to FDOT in 1988, retaining a permanent freight easement. The Line would undergo some salvage to make way for the construction of the last phase of the MIC.

Specifically, CSX notes that upon receipt of abandonment authority from the Board, FDOT would salvage portions of the Line. The right of way is currently in public use for passenger rail service with potential passenger rail service enhancements planned should the Board grant this abandonment. CSX has detailed in its Environmental Report how FDOT plans to conduct these salvage activities. Specifically, FDOT would use the existing right-of-way access, along with existing public and private crossings. FDOT does not plan to construct any new access roads. The crossties and/or other debris would be transported away from the Line and would not be discarded along the right-of-way, not be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures would be implemented to prevent or controls spills from fuels, lubricants or any other materials from entering any watercourses.

Comments

CSX believes that the abandonment is not inconsistent with local land use plans. CSX also states that although there may be some prime farmland in the vicinity, this farmland would not be adversely impacted by the abandonment of the Line.

The Miami-Dade County Planning and Zoning Department submitted comments stating that it has reviewed the relevant Comprehensive Development Master Plan and Land Use Plan map provisions, as well as adopted transportation plans such as the 2012 Transportation Improvement Program and 2035 Long Range Transportation Plan. The proposed abandonment is consistent with goals, objectives, and policies of the Comprehensive Development Master Plan and Land Use Plan and would neither conflict with nor hinder the development of the transportation projects and services planned in and around the proposed abandonment.

The Florida State Clearinghouse states that based on the information received that the State has no objections and has determined that the proposed abandonment is consistent with the Florida Coastal Management Program.

According to CSX, it believes that the abandonment would result in increased public safety through the creation of enhanced passenger rail service facilities.

CSX states in its Environmental Report that the Line's owner, FDOT, has prepared a plan for the removal and final disposition of any hazardous waste sites or sites where known hazardous material spills have occurred on or are located along the right-of-way once abandonment has been approved.

The Miami-Dade County Department of Environmental Resources Management (DERM) submitted a detailed comment that was summarized in a follow-up letter submitted by the Miami-Dade County Planning and Zoning Department. The DERM commented that CSX should ensure that salvage activities on the Line be conducted as follows:

- Because water and sewer lines are located within the vicinity of the proposed abandonment, CSX should ensure that extra care is taken to protect the County's water distribution and sewage collection systems;
- Phase I and Phase II reports addressing soil and groundwater impacts must be submitted for review by DERM's Pollution Control Division;
- CSX must consult with DERM regarding the adequacy of FDOT's Salvage Scope of Work, whether any properties near the proposed abandonment require contamination assessment or remediation, and whether permits are required to address stormwater runoff and dewatering resulting from salvage activities.

The U.S. Army Corps of Engineers, Jacksonville District, Palm Beach Gardens Regulatory Section states that because the proposed abandonment is not located within the navigable waters of the United States and would not result in the discharge of dredged or fill material into waters of the United States, a Department of the Army permit or a Section 404 Permit is not required.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, OEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, CSX states that there are no CSX owned structures on the Line that are 50 years old or older. CSX also notes that it is unaware of any archeological resources or any other previously unknown historic properties in the project area. The Line would remain largely intact with only limited salvage activities planned. Currently, the Line is being used for passenger rail service and, if the Board should grant abandonment authority, FDOT would move forward with enhancements to improve the passenger service offered.

OEA's independent review of the history of the Line indicates that was constructed in 1926 by the Seaboard-All Florida Railway and operated by the Seaboard Air Line Railway Company.

The Seaboard Air Line Railway was incorporated on April 14, 1900, and comprised of 19 railroads in which it owned all or most of the capital stock. On June 30, 1900, through service from New York to Tampa, FL, was inaugurated with trains operated by the Pennsylvania Railroad from New York to Washington, D.C.; by the Richmond, Fredericksburg and Potomac Railroad from Washington, D.C. to Richmond, VA; and by the Seaboard Air Line Railway from Richmond, VA, to Tampa, FL, an arrangement that would continue until Amtrak was created in 1971.

Unfortunately, the new 2,600 mile railroad did not prosper as expected. In 1907, the railroad went into receivership. By 1915, the railroad had recovered. However, along with most other U.S. railroads, the Seaboard Air Line Railway was nationalized during the railroad crisis brought on by World War I and was operated by the United States Railroad Administration from December 28, 1917, until March 1, 1920.

During the 1920's, the Seaboard Air Line Railway hired the architectural firm of Harvey & Clarke, to design a series of now historic Mediterranean Revival rail stations in the Florida cities of: West Palm Beach, Lake Worth, Boynton Beach, Delray Beach, Deerfield Beach, Fort Lauderdale, Hollywood, Hialeah, Naples, Fort Myers, and Homestead.

On August 1, 1948, pursuant to a plan of reorganization, all the properties of Seaboard Air Line Railway transferred to Seaboard Air Line Railroad Company. On December 17, 1945, all properties of the Seaboard-All Florida Railway were acquired by Seaboard Air Line Railroad Company. In 1967, the Seaboard Air Line Railroad Company and the Atlantic Coast Line Railroad Company merged to form the Seaboard Coast Line Railroad Company. In 1973, the Family Lines was adopted to identify the Louisville and Nashville Railroad Company and the Seaboard Coast Line Railroad Company.

As stated earlier, the Line was sold to FDOT in 1988 with CSX retaining a freight easement. The Federal Highway Administration and FDOT completed an extensive Environmental Impact Statement addressing the potential impacts of historic sites and structures from the activities surrounding construction of the MIC. The MIC is currently under construction and will provide access to multiple forms of transportation including Tri-Rail and Metrorail service.

The railroad submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Florida Department of State, Division of Historic Resources (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO, in a letter dated August 16, 2011, has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or

eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database³ to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that there are no federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

CONDITIONS

- 1. Because water and sewer lines are located within the vicinity of the proposed abandonment, CSX should ensure that extra care is taken to protect the County's water distribution and sewage collection systems.**
- 2. CSX shall ensure that Phase 1 and Phase II reports addressing soil and groundwater impacts are submitted to DERM's Pollution Control Division for its review.**
- 3. CSX must consult with DERM regarding the adequacy of FDOT's Salvage Scope of Work, whether any properties near the proposed abandonment require contamination assessment or remediation, and whether permits are required to address stormwater runoff and dewatering resulting from salvage activities.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, with the imposition of the recommended conditions, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited August 29, 2011).

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-55 (Sub-No. 717X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: September 16, 2011.

Comment due date: October 3, 2011.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

Attachment 1

